



City of Pensacola
ENVIRONMENTAL ADVISORY BOARD

Minutes

October 7, 2021	2:00 pm	Hagler/Mason Conference Room, 2 nd Floor
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Members Present: Kristin Bennett, Chair, Neil Richards, Kyle Kopytchak, Michael Lynch, Blase Butts

Members Absent: Kelly Hagen, Vice Chair, Katie Fox, Alex Kozmon, Jay Massey

Others Present: Don Kraher, Council Executive, Sonja Gaines, Council Assistant, Mark Jackson, Sustainability Coordinator, Jonathan Bilby, Inspection Services Director, Diane Moore, Gas Distribution Engineer, John Scanlon, Energy Specialist. City Council Member Sherri Myers, John Herron, Edna Lora

1. Call to Order/Quorum

The meeting was called to order. A quorum was established.

2. Approval of Meeting Minutes:
a) September 2, 2021

Chair Bennett indicated that the Oar Event at Bayview Park would take place on October 23 instead of October 22.

Member Richards moved for approval of the minutes of September 2, 2021. Member Kopytchak seconded the motion and it carried 5 – 0 with four members absent from the meeting.

3. Presentation:
a) Pensacola Energy

Ms. Diane Moore, Gas Distribution Engineer and John Scanlon, Energy Specialist who works with commercial/industrial customers made a power point presentation (on file) on how Pensacola Energy is reducing green house gas emissions within the City as well as looking at upcoming things within the gas industry that are exciting.

Pensacola Energy has the exclusive franchise to serve Escambia County, excluding town of Century's permit area and Pensacola Beach. They currently serve a little over 45,000 customers, employ 124 people, operate 3 CNG fueling stations, maintain 1756 miles of pipeline infrastructure, and support the community through school and sports sponsorships, United Way and other community events. Pensacola Energy and the city have about 77 vehicles that are fueled with CNG and within Escambia County, there are about 358 vehicles currently using CNG.

Pensacola Energy has been working on reducing their greenhouse gas emitted into the atmosphere over the past few years. One of the biggest areas was the replacement of 88 miles of cast iron pipe with polyethylene pipe. They are now focusing on leak prone areas with bare steel pipe. They are also looking at purchasing carbon offset gas to include in the gas stream to their customers and should be available in 2022. Annually, they are leak surveying all business districts and gate stations and inspect all gas mains on a 3 year rotation. She further reviewed other efforts Pensacola Energy is working on to reduce greenhouse gas emissions through reevaluated work procedures to minimize excess gas released into the environment and looking at future technologies. Over a 3 year period, Pensacola Energy has reduced CO2 direct emissions from facilities by 22%.

She highlighted some points of the current state of the natural gas industry. It is the least carbon intensive of any fossil fuel. The cost competitiveness and reliability make it a critical component of moving into a low carbon energy future. Within the United States there is an existing infrastructure of 2.9 million miles of gas main. It is 91% efficient from production to the consumer. Gas appliances offer greater efficiency for customers. The largest growth in natural gas has been in electricity generation.

Other points reviewed included renewable natural gas, biomass, hydrogen and hydrogen properties. Pensacola Energy continues to research and stay in the frontline of sustainability efforts and pursue opportunities to improve the environment.

Board members had several comments and questions about the use of hydrogen and also about the ability to track amount of gas released as a result of leaks.

4. Update: Sustainability Coordinator Mark Jackson

Sustainability Coordinator provided an update on his presentation to City Council on the baseline GHG inventory results. The report is posted on the City's website, under the residents tab, click on resiliency/sustainability.

A representative from the East Pensacola Heights Neighborhood Association is present and will be bringing something to the next meeting regarding interest in submitting an application for a grant from the Tree Trust Fund to get some trees to plant for Arbor Day. The Board would need to make a recommendation on the request and forward to the City Council for action. There is not a whole lot of detail in the ordinance and that is why they are working on developing an application that is standardized. There is no process currently in place.

Chair Bennett stated that it was decided several meetings ago that the process would be reviewed as part of the overall review of the tree ordinance.

Council Executive indicated that it was in the City Code, under Section 12-6-10(c-2).

Ms. Edna Lora, representative of the East Pensacola Neighborhood Association indicated that they were willing to partner with the City and the EAB to develop a process that is easy to follow for other neighborhood associations. They have an energized neighborhood association when it comes to trees. They have partnered with the Boy Scouts of America, the Native Plant Society, the ECUA for compost, the extension service. Their approach will be to train the trainer, community building, plant a tree, build a community. They look forward to being the first group to try and get funding from the Tree Trust Fund grant program. They want to follow the city of Orlando's right tree in the right place approach, when planting trees, offering free trees to people in the community who are resident homeowners that lost trees in the past that have a right of way and 20 feet from the right of way in their front yard, and the side yard. They will sign up to get a tree, sign a memorandum of understanding to take care of the tree for at least the first year. There will be a protocol established for where the trees are planted. They are going to apply for the grant and are developing the processes within their grant proposal structure. They are going to ask for 25 trees, larger trees that are probably 30 gallon. They will be applying for the tree diapers for each of the trees. Each person who wants a tree and is approved to get the tree, will be thoroughly vetted. She will have the grant proposal for the Board at the next meeting. It is going to be an on going project for the community because of the loss of the tree canopy.

Member Kopytchak indicated that it would be very difficult to grant funds carte blanche. The Board doesn't have any idea of where the trees are going what the trees are, but here's the funds. There are a lot of specific concerns when you get into right of ways, the types of trees, the size, under power lines, full view when you pull up to corners, especially in the older areas of the city. When you ask for grant funds, the Board will want to see what tree is going where and so forth.

Member Richards asked whether it would be on City right of way or private property.

Ms. Edna Lora indicated that it could possibly be on private property. The City of Orlando does have a caveat that it can be 20 feet from the right of way into the front yard, so they are going to use that as a precedent, since these are government funds. They will be using the city of Orlando's successful tree planting/replanting program as the foundation for their program.

City Council Member Sherri Myers cautioned the Environmental Advisory Board to be very careful with this proposal. In the past the City has planted trees within the right of way in front of residential property. New property owners move in and they don't like the tree and they take it down. The tree ordinance needs to be revised to be careful where the trees are planted. If they are planted in residential neighborhoods, in front of private property, there needs to be some kind of agreement signed by the property owner that the tree cannot be removed without approval of the City. There are a lot of legalities that need to be flushed out with the City Attorney's office. Of course, it is up to the City Council to decide if the Council wants to use the tree trust funds in this manner.

Council Executive indicated that the Finance Department as well as Legal would need to review as to whether taxpayer dollars can be expended on private property. There might be some alternative avenues available to get trees to East Pensacola Heights.

Chair Bennett indicated that there would be a presentation on the proposal at the next meeting and encouraged the Board to review the section of the tree ordinance regarding the tree trust funds. The request would be under the existing ordinance. The Board could consider in light of the presentation and request, what revisions might need to be made to the ordinance.

5. Discussion Items:
 - a) Comprehensive Review of the Tree Ordinance--
Review of Sections 1 - 4

Jonathan Bilby, Inspection Services Director explained his role as far as the tree ordinance goes. He is involved with new development, whether residential or commercial, in the tree and landscape review process. Commercial is going to be typically all protected trees. Residential will be if there is a heritage tree involved.

One of the challenges he faces is having new designers, landscape architects, civil engineers that come into the city and have never read the ordinance and not applying it correctly. With commercial development they look at all the protected trees within the appendix and that depends on the size. Once it meets the minimum size, it becomes a protected tree. Once it becomes 4 times that diameter, it becomes a heritage tree. When they look at plans, first and foremost is that they retain 10% of the trees on their property, if they are in one of the applicable zoning districts that require the tree review. That can be maintaining the trees in their current state, where they sit or it can also involve some relocation of trees. Secondly, there is a calculation that happens. They look at the trees that are protected, the ones that they are proposing to take out, they have to calculate the number of trees, calculate the inches on site and anything they retain above the 10% level, they get a credit towards their mitigation. Anything they are required to mitigate, they have to replant on that site with one of the tree species they have taken out and have to show a valid replanting plan of where those are going in. Any shortfall, they require \$400 per tree that they cannot plant be paid into the tree mitigation fund. That all has to be on the plans before moving forward with an approval. Secondly, they look at signage locations. On the plans, they have to have their required signage. Any one heritage tree that is taken out requires signage for notification to the public and any ten protected trees requires signage. The signs are required to be up fourteen days prior to the permit issuance. A new change in the ordinance is that they notify the City Council member in the district where the development is occurring. They don't issue a tree removal permit as is done by the Parks Department for already developed property, it is in conjunction with the building permit. Once the arborist is onboard, there will be a streamlined tree removal process that will cover both aspects.

Further discussion occurred regarding the actual application permitting process, whether the 14 day signage posting was enough time to allow for a protest and for the Council member to reach out to the developer to try and save trees, the appendix A list of trees, the replant list which is a guidance of what trees can be planted, what applicable zoning districts are excluded. Some of the downtown districts are exempt as well as the airport zoning district. The appeal process is for the person who applied for the permit. There are certain types of medical facilities, hospitals, overnight stay care facilities that are exempt from the tree replanting and retention but they do have to pay \$5,000 per acre into the tree mitigation trust fund. With regard to existing commercial property, that is handled by the Parks and Recreation Department. There is a very distinct set of criteria used to determine existing tree removal. It is typically going to be something that is diseased or causing structural damage to a building. Eventually, the City Arborist will be the person to handle tree removal permits, working hand in hand

with the Inspection Department on any new development. With regard to new development, they require a licensed landscape architect or civil engineer to provide a tree removal plan that shows existing trees on the plan and they do a site visit. Trees are sometimes removed without permits. There are fines, per caliber inch for protected trees that are removed.

There are a lot of exemptions on residential property development that you don't get with commercial development. They are not looking at protected trees as much as they are looking at heritage trees. They look at the building, how it is located on the lot, how the set backs are on the lot, the proposed driveways and the tree location on the plans. They do a site visit, and determine whether it is a heritage tree. If it is not, they can go ahead and take it out. If it is a heritage tree, if there is a way to move or re-site the house, then they can review their plan to re-site it. If there is no way to re-site the house, then it can be eligible for removal. There is no 10% retention on residential properties, they are just looking at the heritage trees. They do pay the \$400 per tree that they can't replant. They are eligible to plant some trees to offset the mitigation, but on small lots, they can't do a whole lot. In the already developed residential, if it is something that a tree is damaging the foundation there are mitigation fees, but it is capped at \$1,000. There is a requirement to plant one tree on residential property in the front yard. If you are requesting a demolition permit for an existing house and want to remove a heritage tree, they typically would not approve that without having a plan going forward with what is going to be built on that lot.

There was also discussion on the tree pruning done by Gulf Power and whether there could be anything put in the franchise agreement concerning the way the trees are being pruned, especially in the 12th Avenue tree tunnel.

With regard to what constitutes a subdivision, it is usually 3 or more lots, it will require an actual plat, requires civil plans, stormwater review, etc. The only thing they are looking at in subdivisions is the heritage trees.

Inspection Services Director volunteered to come back at the next meeting of the board and do a presentation on the plans review process.

Chair Bennett indicated that she and Member Kozmon had submitted comments on Sections 1 – 4 and asked if other Board members had any comments. Some of her's were questions, like why are some things exempt, the guidelines used.

Council Executive stated that he would take the comments submitted and combine into a single document that the Board can then review and if there are questions then they can be compiled and sent to Bill and Jonathan for their input.

Chair Bennett suggested looking at Sections 12-5 and 12-6 for next month and that they be included in the single document being prepared for the next meeting.

Council Executive indicated he would like to receive the comments by October 22 so that they can be compiled and included in the document.

b) RePlant Species -- Member Blase Butts (*background information on 9/2 EAB Agenda*)

Member Butts explained how he came up with the list of trees and there are several on that list that are not applicable or even used here. He wants to be sure that when the EAB makes recommendations on the species of trees that they have good viability for Pensacola.

Sustainability Coordinator commented that there are nurseries that specialize in native species and will have things that most nurseries don't have. The best source to go to in looking at species would be IFAS. He stressed planting the right tree in the right place with the right soil.

c) Review of Power Point Presentation made by Assistant City Attorney Heather Lindsay (*previously distributed*)—Member Kyle Kopytchak

Member Kopytchak said that the power point was a concern to him and he brought this up in regard to the mitigation process. He asked if there was any circumstance where you could deny a homeowner cutting down a tree. He handed out information he received from a public records request where he asked her a specific question as it relates to the mitigation process and the City taking the rights of an individual property owner. He has an issue with it. He just wanted the Board to be aware of it when they are reviewing the mitigation process in the tree ordinance.

d) Referral from City Council—Environmental Impact of the Use of two-stroke gas leaf blowers on greenhouse gas emissions

Chair Bennett reviewed the referral from the City Council from the September 23 City Council meeting which was to review and recommendation – Analyzing the impact of lawn management practices of city property and the use of two-stroke gas leaf

blowers on greenhouse gas emissions in the city and suggestions for lowering any emissions associated with two-stroke blowers. This is more narrow than what the Board discussed at the meeting last month when it was brought to the Board on the context of the noise ordinance. The Council discussion was to review this item separate from the noise ordinance.

Council Member Myers addressed the Board and reviewed the motion to refer this issue to the Board. Council Member Hill made a friendly amendment to have the EAB complete its review and return any recommendation to the Council by the end of two EAB meetings. If you read the summary on the legislative text, it makes it clear we are talking about all city property, it covers parks, athletic fields, right-of-ways, golf course and other green spaces. Basically, any maintenance done on public lands. This came about from the baseline study done by the Sustainability Coordinator on greenhouse gas emissions. It did not include how we maintain our public lands and what equipment we use.

Sustainability Coordinator indicated that it does include any gas purchased and utilized in any of our vehicles, even other equipment. It is put on there as other equipment, it means that it doesn't have a license plate.

Council Member Myers recommended that the Board might want to review the discussion on this item from the September 23 City Council meeting, go to 53.02 on the video and also may want to review the City Council workshop held on September 20. She did collaborate with John Herron on the information in the booklet that John Herron provided to the Board. She thought it would be helpful to provide the Board with some research. This has to do with City operations only, including our contractors. The booklet is only providing the science about emissions and the harmful impact on human health of the chemicals that are used by two stroke engines, noise impact and other information. The Council has control over what the city does. The City Council can determine that we are not going to buy any more two stroke engine leaf blowers. That's a budgetary and policy decision. For example, the Board could recommend that we reduce our greenhouse gas emissions by using battery operated leaf blowers and also require the contractors we hire to also use environmentally sensitive equipment. The science is there and how to address it.

Sustainability Coordinator stated that the information in his report did not include outside contractors and if that is to be a recommendation, it would have to be something that is captured in with the negotiation of the next contract for those providers because

we would be asking them to provide information that is not currently provided. He further explained the variables used in calculating the other uses in his report and indicated that he would try to put together some information for the next meeting. He looks at it holistic as to the cost/benefit ration. How much more would it cost to have Parks and Rec's budget increase to buy these things or to require some kind of change to what is currently done with our contractors and how much benefit we would get out of it. We're trying to go with 30% renewable energy, have to buy solar and put on our buildings. With a limited budget, those are the kind of conversations that will have to happen internally with staff to determine how to do it. If Council approves that recommendation, then as staff, we will go forward with that. What he has seen from this Board and Council, the priority is 30% renewable energy.

Member Kopytchak stated he was prepared to move forward. All of the research has been done. This is not new. We start with one department, maybe parks and recreation and do a test, manage the test and then expand it from there. **He motioned to create a section/link on the Environmental website that provides education to the public and commercial landscapers on the environmental impacts of two stroke gas leaf blowers and examples of best practices that are encouraged. His second motion is to initiate a test in our own city with the purchase of battery-powered equipment for our Parks and Recreation Department, study and post the reduction of toxins, the operator health benefits, the resident health benefits and the cost savings. Thereafter, we should invite our commercial vendors to join this test and provide incentives to switching to battery-powered equipment for our parks and other city properties.**

Member Richards stated that it shouldn't be limited to leaf blowers, we should be talking about trimmers, etc.

Chair Bennett pointed out the referral was for two stroke leaf blowers and asked for clarification on the process.

Council Executive indicated that the first motion would need to have a second, input by the public and vote taken. If there is no second, then go to the second motion.

Chair Bennett stated we have a motion. Is there a second? **There was no second. Motion died for lack of a second.** Chair Bennett read the second motion made by member Kopytchak and called for a second. **There was no second. Motion died for lack of a second.**

Further discussion by the Board on the actual referral from Council contained in the summary occurred. The Board needs to know what the impacts are, what type of equipment is being used, how many, how much acreage is being maintained by the city staff and contractors, equipment types and amounts, being able to meet the time line in the referral.

Sustainability Coordinator volunteered to try to gather some of the information requested and have it available for the next meeting.

Council Executive indicated that if the Board felt they needed more time, that they could request an extension.

Chair Bennett indicated her preference would be to try and get something by the end of the next meeting, keeping the focus on gas leaf blowers.

John Herron, 1900 East LaRua Street addressed the Board pointing out some of the statistics and research in the information he provided the Board. He encouraged the Board to expand their scope on the referral as much as they deem appropriate. There are a lot of issues, with not only the noise, but also the green house gases, the particulate matter, PM10, the mold spores coming off the ground, the pesticides, the herbicides get injected into the lungs and PM 2.5 is the stuff that comes out of the engine, the benzine, all of the carcinogens, the environmental and social injustice and the impact on the workers.

Ms. Phyllis Bardin, 1409 East Gadsden Street addressed the Board via phone, regarding the environmental effects of gas powered leaf blowers.

Ms. Rosemary Bishop, 1313 North 14th Avenue voiced her opinion on the use of gas leaf blowers and the harmful effects and suggested that a good place to start would be with the public parks.

Ms. Eve Herron, 1900 East LaRua Street commented that the City should follow Mt. Brook, Alabama and go Green with landscaping in the public parks and neighborhoods. Establish incentives for third party landscapers to initiate green landscaping practices and at a minimum insist that they follow manufacturing guidance when handling landscaping equipment. There is a need to address commercial landscaping practices in neighborhoods.

Council Executive indicated that there were two individuals who filled out on-line forms that he's been unable to reach, getting voice mail both times he's called.

Chair Bennett indicated that further information would be forthcoming on what the City is currently doing and will be discussed at the next meeting.

e) Integrated Pest Management

Chair Bennett stated that this was included within the priorities that the Board set forth at the beginning of the year. The plan was developed for parks and recreation and the Board was going to look at extending it for other departments within the city.

Council Executive indicated that this was an item that Member Fox was working on and that it could be included on the agenda for the next meeting.

6. Board Member Comments/Updates, Reports and Announcements

a) Single Use Products on Public Property—Member Blase Butts (*background information on 9/2 EAB Agenda*)

Member Butts commented on information he provided from the City of Orlando on restricting the use of Styrofoam containers on city owned property and whether this was something that the Council would want to consider extending to all city buildings and parks.

Member Richards indicated that it was a Mayor's decision to switch to paper products city wide and that no new Styrofoam would be bought citywide.

Chair Bennett asked the Council Executive to find out what the City is currently doing citywide.

Member Richards reported that the master gardeners are having a garden to table sale this Saturday, October 9 at the extension building on Stefani Road. He also mentioned the information from the American Arborist Association on developing a tree ordinance.

7. Public Comments—Open Forum

No further public comments.

8. Adjourn

There being no further business to come before the Board, the meeting was adjourned at 5:33 p.m.